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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,853	02/20/2002	Marco Casassa Mont	1509-281	3190

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EXAMINER

HO, THOMAS M

ART UNIT PAPER NUMBER

2132

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/077,853	<b>Applicant(s)</b> MONT ET AL.	
	<b>Examiner</b> Thomas M. Ho	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. Claims 1-21 are pending.
2. The amendment of 6/20/06 has been received and entered.

#### *Response to Amendments*

3. Applicant's amendments have been added into the claims. The rejections have also been modified to address these new limitations.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefik et al., US patent 5629980.

In reference to claim 1:

Stefik (Figure 1) & (Column 7, lines 5-37) discloses a computer system comprising a first computer node coupled to a network, the first node being arranged to provide a service to a

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second computer node via a connection over the network; a controller for determining the ability of the second node to access to the service based upon a digital credential associated with the connection, the controller being arranged to vary the ability of the second node to access to the service over the connection in response to a change in status of the digital credential to thereby enable a level of the service to be varied during the connection, where the first node is Repository 1, where the second node is repository 2, where the digital credential is the digital usage rights which are attached to the digital work, and where the controller is the program mechanism in Repository 1 that “checks usage rights to determine if access may be granted” (Item 105) and the status condition is the conditions with the right that must be satisfied before access is granted, and where the level of service is varied when the first node either denies or allows for the service to be used. In Stefik, these set of conditions of the digital credentials of each work comes in the form of usage rights comprising, rights for printing, copying, playing, etc. (Figures 15, Item 1501, 1502, 1510 et seq. and 18, Items 1804, 1810, 1809, 1811-1815, 1817) Stefik (Column 11, lines 30 – Column 12, lines 40) & (Column 15 –16) further discloses the access being varied through a system of security levels of stricter or lenient rules within a digital works right set.

In reference to claim 2:

Stefik discloses a computer system according to claim 1, wherein the controller forms part of the first computer node, where the controller is program mechanism that arranges access to the service depending on the current status of the usage rights. (Figure 1, Item 105)

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In reference to claim 3:

Stefik discloses a computer system according to claim 1, wherein the digital credential is an attribute credential of an entity associated with the second computer node, where the digital credential is the usage rights to a work, and where the usage rights are an attribute credential of another entity, the digital work itself. (Figure 10) & (Column 9, line 7 – Column 11, line 30, “Structure of a digital work”), and where such entity, the digital work, is associated with the second computer node, repository 2, as the item of information the user seeks to acquire.

In reference to claim 4:

Stefik discloses a computer system according to claim 1, wherein the first computer node is arranged to provide the service to a plurality of computer nodes via a plurality of respective connections over the network, where the repository is not limited to providing services to a single repository, but a plurality of them. (Figure 2, 4a, 4b)

In reference to claim 5:

Stefik discloses a computer system according to claim 4, wherein the controller is suitable for arranging digital credentials into groups, each group being associated with one or more respective secure connections to allow a user to monitor the status of the digital credentials associated with a secure connection,

where the controller is the mechanism of the repository that determines if transmission of the digital work is acceptable, and where the digital credentials(usage rights) and arranged into

groups such as printing, or loaning credentials. (Column 11, lines 30 – Column 12, lines 38, “Attaching usage rights to a digital work”), and where each group is associated with one or more respective secure connections (Column 13, lines 40-50), where each connection is the various repositories and systems that the repository may connect with to transfer the digital work, where each connection is secure (Column 13, lines 25-40), and where each group is associated with each connection is established with a different requestor of the digital work, based on a different category or group of digital right. For example, a printer user seeking to print out the work would connect with the repository (Figure 4a) but would need to satisfy the PRINT group of rights (Column 12, lines 8-30) & (Column 18, lines 9-23). As another example, another repository seeking to acquire the work for display or execution (Figure 4b), would need to satisfy a different set of rights for example limited usage of the digital work in terms of metered time. (Figure 15, Item 1515) & (Column 18, lines 65 – Column 19, line 4). Other groupings of the rights include (Column 20, lines 1-40) et seq. and where the user may monitor these digital credentials through the usage language such as copy-count. (Figure 15), (column 31, lines 50-65)

In reference to claim 6:

Stefik discloses a computer system according to claim 4, wherein the controller is suitable for arranging digital credentials into groups, each group being associated with one or more respective secure connections to allow the controller to control the digital credentials according to piracy, where the digital credentials are the usage rights, and the usage rights are put in place

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specifically to limit how the distributed content may be used in an effort to curtail piracy in that all copies of the content are controlled and “billable” (Column 6, lines 37 – Column 7, line 5) (Column 1, lines 10-25)

In reference to claim 7:

Stefik discloses a computer system according to claim 1, further comprising a digital register for listing the status of digital credentials(Figure 15); a monitoring arrangement for monitoring the digital register for changes in the status of a digital credential, wherein the controller is adapted to be responsive to the monitoring arrangement for varying access to the service in response to the change in status of the digital credential, where a change in the status of the digital credential rights can be made in the addition of usage rights (Column 11, lines 30 – Column 12, lines 40) or by a change in the repository security level (Column 15-16), and the controller is responsive to the monitoring means by the enforcing of the user rights) (Column 6, lines 37 – Column 7, line 5) & (Column 26, lines 38-47), and

Claim 8 is substantially similar to claim 1 and is rejected for the same reasons.

Claim 9 is substantially similar to claim 4 and is rejected for the same reasons.

Claim 10 is substantially similar to claim 5 and is rejected for the same reasons.

Claim 11 is substantially similar to claim 6 and is rejected for the same reasons.

Claim 12 is substantially similar to claim 1 and is rejected for the same reasons.

Claim 13 is substantially similar to claim 1 and is rejected for the same reasons.

Claim 15 is substantially similar to claim 6 and is rejected for the same reasons.

In reference to claim 14:

Stefik discloses a computer system comprising a first computer node coupled to a network, the first node being arranged to provide a service to a second computer node via a connection over the network, where the service is provided by the 2<sup>nd</sup> repository accessing data through the first repository (Figure 1) a controller for determining the ability of the second node to access the service based upon a digital credential associated with the connection, where the controller is the apparatus which checks the digital credential (Figure 1, Item 105), the first node having memory for storing the digital credential associated with the connection and a display for presenting to a user information associated with the digital credential, where digital work playback devices are coupled to the repositories and where one of ordinary skill in the art would construe the stored data of the repository to be stored in memory. (Abstract)

In reference to claim 16:

Stefik discloses a method of providing a service between a first computer node having a connection to a second computer node, the method comprising:

- Providing service for the second computer node from the first computer node via the connection, where the second computer node is repository 2, and the first node is repository 1, and the service that is provided to repository 2 is the distribution of the usage rights attached to the digital work. (Figure 1)



- Determining the ability of the second node to access the service based upon a digital credential associated with the connection, where the access to the content is based on the digital authorization or digital rights presented in the work, and the service is the usage of the digital content. (Column 7, lines 5-37)
- Varying the ability of the second node to access the service over the connection in response to a change in the status of the digital credential so a level in the ability of the second node to access the service is varied during the connection, where the level of service is varied in that the rules to access the data may either be lenient or stricter. (Column 11, lines 30 – Column 12, lines 40) or by a change in the repository security level (Column 15-16) the level of service is further varied in that access to the services may be directly granted or denied during the connection between the nodes based on digital credential. (Figure 1)

In reference to claim 17:

Stefik (Column 11, lines 30 – Column 12, lines 40) & (Column 15 –16) & (Figure 1) discloses the system of claim 1, wherein the controller is arranged to vary the level of the service during the connection where the level of service is varied in that the rules to access the data may either be lenient or stricter, or where the level of service may be varied in that access to the services may be directly granted or denied during the connection between the nodes based on digital credential.

In reference to claim 18:

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Stefik (Column 11, lines 30 – Column 12, lines 40) & (Column 15 –16) & (Figure 1) discloses the node of claim 8, wherein the controller is arranged to vary the level of the service during the connection where the level of service is varied in that the rules to access the data may either be lenient or stricter, or where the level of service may be varied in that access to the services may be directly granted or denied during the connection between the nodes based on digital credential.

In reference to claim 19:

Stefik (Column 11, lines 30 – Column 12, lines 40) & (Column 15 –16) & (Figure 1) discloses the method of claim 13 further including varying the level of the service during the connection where the level of service is varied in that the rules to access the data may either be lenient or stricter, or where the level of service may be varied in that access to the services may be directly granted or denied during the connection between the nodes based on digital credential.

In reference to claim 20:

Stefik (Column 11, lines 30 – Column 12, lines 40) & (Column 15 –16) & (Figure 1) discloses the method of claim 16 further including varying the level of the service during the connection where the level of service is varied in that the rules to access the data may either be lenient or stricter, or where the level of service may be varied in that access to the services may be directly granted or denied during the connection between the nodes based on digital credential.

In reference to claim 21:

Stefik (Column 11, lines 30 – Column 12, lines 40) & (Column 15 –16) & (Figure 1) discloses the controller of claim 12, wherein the controller is arranged to vary the level of the service during the connection where the level of service is varied in that the rules to access the data may either be lenient or stricter, or where the level of service may be varied in that access to the services may be directly granted or denied during the connection between the nodes based on digital credential.

### ***Conclusion***

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of the final action and the advisory action is not mailed under after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension pursuant to 37 CFR 1.136(A) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication from the examiner should be directed to

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Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on **(571)272-3799**.

The Examiner may also be reached through email through [Thomas.Ho6@uspto.gov](mailto:Thomas.Ho6@uspto.gov)

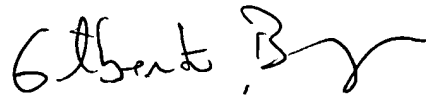
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist Telephone: 571-272-2100 Fax: 571-273-8300

Customer Service Representative Telephone: 571-272-2100 Fax: 571-273-8300

TMH

September 4<sup>th</sup>, 2006

  
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